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Lucky Assassins: On Luck and Moral Responsibility

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Recently the problem of moral luck has garnered a lot of attention in ethics; the existence of moral luck is at least *prima facie* inconsistent with our commonsense conception of moral responsibility, and resolution of the problem seems to require a drastic revision of our intuitions regarding moral praise and blame.

The problem of moral luck is deeply tied to the classic problem of free will. Most philosophers on both sides of the free will debate believe that some form of the control principle is true, where the *control principle* asserts that moral responsibility requires control; a necessary condition for one's being morally responsible for a thing is that she is in control of that thing in the appropriate way. However, everything that we can be held responsible for is at least in some sense outside of our control, and thus a matter of luck. At first glance, it appears we have a dilemma—(1) reject the control principle, or (2) admit that no one is morally responsible for anything.

Luck plays a substantive role in each of our lives; it is a matter of luck that we are born and whether we succeed or fail in our endeavors is, at least in part, outside of our control, and thus a matter of luck. Here I argue this luck plays no role in determining our moral responsibility, our praiseworthiness and blameworthiness, for who we are and what we do. I purport to offer a third option to the dilemma above.

Any serious discussion of luck needs to admit that luck plays an undeniable role with regards to moral responsibility. Because our existence is outside of our control, a matter of luck, it is a matter of luck that we are morally responsible for anything.[1] If you never existed, there would be no *you* to be moral responsible. Because our coming to exist is a matter of luck, the control principle precludes the possibility that we are morally responsible for coming to exist, or for our having the opportunity to act morally or immorally. However, this should come as no surprise, it would be absurd to judge someone morally responsible for their being born.

While it is a matter of luck that we exist to have a moral record, I contend that luck plays no role in determining the contents of our moral record, or those things that we are morally responsible for. *Moral luck* would occur only if luck affects our moral record; this is to say that moral luck would occur only if it plays a role in determining how praiseworthy or blameworthy we are for what we do or who we are. Inquiry into moral responsibility is not inquiry into whether we live, a matter of luck, or into what situations we face, also luck, but what responsibility we have for how we choose to live given all of this. Here I argue we have good reason to believe that this is not a matter of luck.

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[1] It is possible that we are not moral agents. Even so, it is at least theoretically possible that other things sufficiently dissimilar to us could be moral agents of the kind we believe ourselves to be. However, for the sake of simplicity, here I assume that we are moral agents. Furthermore, I take it that a moral agent can be contingently morally responsible for nothing. This is to say that one's moral record, or moral history, might not have an entry. However, if something is necessarily morally responsible for nothing, I do not think it makes sense to say it is a moral agent. (Note: Being morally responsible for nothing in this way is distinct from the sense discussed in Michael Zimmerman's 2002 paper "Taking Luck Seriously" (*The Journal of Philosophy*, Vol. 99, No. 11, pp. 553-576 – *TLS from now on*) where he argues for what he calls moral responsibility *tout court*, where an agent is morally responsible but responsible for nothing insofar as they are not morally responsible for anything in particular that they've done, but rather for something they would have done.)

In his landmark paper "Moral Luck," Thomas Nagel succinctly gets to the root of the problem of moral luck by asking, "How is it possible to be more or less culpable depending on whether a child gets into the path of one's car, or a bird into the path of one's bullet?" In "Taking Luck Seriously," Michael Zimmerman answers that it is *not* possible. (*TLS,* 560) Zimmerman claims the problem of moral luck supersedes the more traditional problem of free will. The problem of moral luck is devastating if left answered, and runs parallel to the problem of free will; one potential, but undesirable, solution to both of these problems is the conclusion that none of us is morally responsible for anything.[2] Zimmerman's solution to the problem of moral luck is innovative, but I spend much of this time showing that Zimmerman's solution to the problem is unsatisfactory and offer my own, alternative view.

In "Moral Luck," Nagel distinguishes between four types of luck, each potentially a type of moral luck inconsistent with the control principle. *Resultant luck* is perhaps most familiar, and concerns luck in the consequences of our actions. Even if moral agents have complete control[3] over their choices, it is uncontroversially true that we lack this control over the results of our actions. It may be within my power to *try* to rob a bank, but whether or not I succeed is,

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[2] I am a bit confused as to why Zimmerman holds that the problem of moral luck is *more* of a problem than the traditional problem of free will. Much like the compatibilist position that holds determinism does not undermine our moral responsibility so long as we have the ability to act in accordance with our will and the ability to do otherwise (in different circumstances), there is surely a position, and one Zimmerman seems at times to hold that moral luck does not undermine our moral responsibility so long as we have what Zimmerman calls *restricted* control over our actions (See "Luck and Moral Responsibility," - *L&MR from now on* - pg. 376). If restricted control is sufficient for moral responsibility, the problem of moral luck goes away just as if freedom from coercion is sufficient for moral responsibility, the problem of free will goes away. Yet if either problem is unsolvable, agents lack moral responsibility.

[3] By complete control here I mean something different from Zimmerman. If a person has complete control over something, I mean that she is the sole self-determining cause of that thing.

ultimately, determined by factors outside of my control—luck. *Circumstantial luck* is luck regarding the circumstances one faces. *Constitutive luck* is luck regarding whom one is, or the character traits one has. *Causal luck* (or *antecedent luck*) is luck dealing with how our choices are determined by antecedent circumstances, and is generally synonymous with the free will problem itself. The last three are often grouped together and called *situational luck* because each deals with the situations under which an agent acts.[4] Although each kind of luck plays a role in our lives, below I argue that they play no role in determining our moral responsibility.

This paper is divided into three main sections. Section I briefly summarizes the problems of free will and moral luck. In section II I argue that resultant luck plays no role in determining our moral responsibility for our actions; this is to say that resultant luck is not moral luck. In section III I argue that situational luck, also, does not constitute moral luck.

I. Introduction

The control principle, or CP, is at the center of both the free will and moral luck debates. Philosophers on both sides of the free will debate generally agree that moral responsibility requires control; that to be morally responsible for x one must be in control of x. Where they differ is what kind of control is sufficient to satisfy CP.

The *free will problem* is the name of a cluster of related problems surrounding free will and moral responsibility; philosophers worry that free will and/or moral responsibility are incompatible with our best metaphysical theories.

Compatibilists are philosophers who believe free will and moral

[4] Zimmerman introduces the terms *situational* and *resultant* luck in *L&MR,* pg. 376.

responsibility are compatible with *universal causal determinism*, the metaphysical theory that the actual past, coupled with the actual laws of nature, completely causally determines the future. If universal causal determinism is true in our world, then there is only one possible future - the actual future. If compatibilism is true and CP is true, then the control required by CP must be entirely compatible with our being wholly causally determined to act by circumstances outside of our control, the actual past and the actual laws of nature, matters of luck.

Incompatibilists are philosophers who believe that free will and moral responsibility are not compatible with universal causal determinism; roughly incompatibilists believe that moral responsibility requires multiple possible futures. Critics of incompatibilism argue that if our choices are not causally determined by the past (by our character and reasons we have to act), then our choices are determined arbitrarily, and thus matters of luck.

Michael Zimmerman characterizes the problem of moral luck, roughly, as follows:

> (1) CP - A person P is morally responsible for an event *e*'s occurring only if *e*'s occurring was within P's control, not a matter of luck.
>
> (2) No event is not a matter of luck.
>
> Therefore,
>
> (3) No event is such that P is morally responsible for its occurring. (*L&MR*, p. 374)

There are many competing theories of moral responsibility, but for the purposes of this paper by *moral responsibility* I mean roughly what Galen Strawson calls *true moral responsibility*, where one is truly morally responsible for something if and only if it "makes sense" to be rewarded in heaven or punished in

hell for that something. (Strawson, p. 9) True moral responsibility does not require that one believe in such an afterlife; rather the contention is that there is something fundamentally misguided about heaping praise or blame on things that are not the authors, or original sources, of their actions. It would make no sense to punish an automatic weapon for being causally determined to fire bullets that kill innocent people, but it is at least *prima facie* plausible to punish the person who freely and intentionally pulls the trigger with the hopes of killing innocent people. That person is *prima facie* morally responsible for her action because we believe she is the author of her action; she could have chosen otherwise, and yet freely chose to act in a *prima facie* morally abhorrent manner.

Strawson believes that we come to have our concept of moral responsibility from experiences like the one described in this case:

> Suppose you set off for a shop on the evening of a national holiday, intending to buy a cake with your last ten pound note. On the steps of the shop someone is shaking an Oxfam tin. You stop, and it seems completely clear to you that is it entirely up to you what you do next. That is, it seems to you that you are truly, radically free to choose, in such a way that you will be ultimately morally responsible for whatever you choose. Even if you believe that determinism is true, and that you will in five minutes time be able to look back and say what you did was determined, this does not seem to undermine your sense of the absoluteness and inescapability of your freedom, and of your moral responsibility for your choice. (Strawson, p. 10)

According to Strawson, it does not matter what stance you take on free will, both the compatibilist and incompatibilist cannot help but believe - in the moment that they make a choice - that there are actually multiple possible futures, that their

choice is undetermined, and that their choice is what brings about one possible future rather than the other. This experience of apparent freedom, he argues, is the source of our concept of moral responsibility. True moral responsibility assumes indeterminism is true, that each of us is a self-cause, the original author of our actions, not causally determined to act but at the same time not arbitrary. True moral responsibility is an incompatibilist account of moral responsibility.

Strawson believes true moral responsibility is impossible because he believes it is impossible for something to be a self-cause. Incompatibilists have long struggled to offer a satisfactory metaphysical account of what it would be like to be a self-cause of the kind described in Strawson's case, but have met with little success. However just because the incompatibilist cannot describe the metaphysics of authorial control does not mean that authorial control is not possible. In another work I argue that to deny the existence of self-causes, given our seemingly unending string of experiences of being self-causes, is to engage in radical skepticism, undermining the very foundation our moral beliefs are built on, rendering any moral debate to be a mistake. (Simkulet, forthcoming)

To be morally responsible is to be the original, non-arbitrary author of one's actions. Even if our actions are fleeting, though, moral responsibility is not. It will be useful to think of moral responsibility as sticking with us; permanently affecting what I call a *moral record*, where a moral record is a history of one's actions as a moral agent, things that she can be praiseworthy or blameworthy for. To be *praiseworthy* is to have your moral record effected in an objectively, intrinsically positive way. To be *blameworthy* is to have your record effected in an objectively, intrinsically negative way. By moral record I mean to pick out roughly what Zimmerman calls a "moral ledger" and I will use the two terms interchangeably in

the following sections. (*TLS*, p. *555*) However, the term "moral ledger" evokes, I think, a particular method for determining what can be called one's total moral worth—the same manner that one might calculate one's financial worth: by tabulating the ledger's entries. It is outside the scope of this paper to offer a theory about how one goes about calculating total moral worth, where one's *total moral worth* is something like an ultimate moral assessment of a person. To those who might tabulate one's total moral worth by adding up the entries on one's moral ledger, luck is a big problem.

Consider two virtuous people, [5] Chris and Kris, with identical lives up until time *t*, at which point Kris dies and Chris lives. According to a simple moral ledger view, Chris's total moral worth, given her more virtuous acts, would be higher than Kris's, and is so because of the contingent fact that Kris dies instead of Chris. I reject this position. There are various quick fixes to this problem (One could divide moral responsibility over the chances to do good, or given a deterministic world we should calculate the total of Chris's actual and potential lives, and Kris's actual and potential lives[6], etc.), but none *obviously* solve this problem.

II. Resultant Luck

Consider the following example of the problem of resultant luck that Zimmerman adapts from Nagel:

Suppose that George shot at IIenry and killed him. Suppose that Georg shot

[5] By "virtuous people" I mean to evoke the concept of two agents who only do good. At this point, I leave it open to interpretation what "doing good" consists of. What matters is that Chris and Kris are objectively morally good people, and equally morally good people. What follows is that Chris, upon Kris's death, is good *for longer*, does more good, etc. than Kris, and thus they are *prima facie* no longer morally equivalent.

[6] This is similar to Zimmerman's concept of responsibility *tout court* that I discuss in section III below.

> at Henrik in circumstances which were, to the extent possible, exactly like those of George (by which I mean to include what went on "inside" the protagonists' heads as well as what happened in the "outside" world), except for the fact that Georg's bullet was intercepted by a passing bird (a rather large and solid bird) and Henrik escaped injury. Inasmuch as the bird's flight was not in Georg's control, the thesis that luck is irrelevant to moral responsibility implies that George and Georg are equally morally responsible. This, I believe, is absolutely correct. (*TLS*, p. 560)

The fact that George is a murderer, while Georg is only an attempted murderer turns on resultant luck alone. Both George and Georg are stipulated to have the same relevant situational luck, and to act in the same way; only the results of their actions differ. Because moral responsibility tracks control, and thus is immune to luck, Zimmerman argues that both George and Georg must bear equal moral responsibility for what they've done; their moral records, so to speak, have been equally stained. The odd thing, of course, is that we describe what they've done as two radically different things: George killed Henry, while Georg merely wounded a bird. Intuitively what Georg is responsible for is not as bad as what George is responsible for. Surely both George and Georg are morally responsible for pulling the trigger with a certain shared intent, but George has done something Georg has not done—he has succeeded. How can they be held *equally* morally responsible when Henry's death, caused by George, is far worse than the bird's injury, caused by Georg? What is worse, Georg's transgression was accidental, a matter of luck, and since moral responsibility tracks control, it seems as if one's culpability for an accident ought to be less than had they actually *chosen* to act in that way. If Georg* intended to shoot a bird and succeeds, surely he is more responsible for his

action than Georg for shooting a bird accidentally. Thus it seems that not only is Georg responsible for something *far less bad* (shooting the bird) than what George is responsible for, Georg is also *less responsible for it* than what George is, insofar as Georg's bird shooting was accidental.

Zimmerman's solution to this apparent case of moral luck is that while George may be responsible for more (and different) things than Georg, he is not more responsible than Georg. Zimmerman claims we need to distinguish between the *degree* of one's moral responsibility, and the *scope* of one's moral responsibility: "My claim is that George and Georg bear responsibility to the same *degree*, despite the fact that George's responsibility has greater *scope*… My claim is that, although Henrik survived Georg's attempt to kill him, Georg's moral record as a person is adversely affected in precisely the same way" (*TLS*, p. 560-561, my emphasis).

Imagine two ledgers, one belonging to George and one to Georg. The first has some black mark, maybe in the form of a negative number, representing the degree of George's moral responsibility. Beside it, in another column, is a representation of the scope of George's action, a series of notes to the effect that he tried to kill, and succeeded in killing, Henry. Georg's ledger is much the same, except in his scope column the notes read that he tried to kill Henrik, and accidentally injured a bird. I'm not sure what role this scope column serves for Zimmerman's account; presumably this column has some relationship to the degree column. Maybe it somehow explains the mark in the degree column, perhaps by referencing the aspect of the actual world that is associated with that mark. However, at least part of the scope column cannot, in any way, affect the degree column, that which is a matter of luck. Why, then, on Zimmerman's account, is

part of one's moral ledger devoted to something that cannot count, morally?

Zimmerman contends that the scope of one's moral responsibility is subject to luck, but that the degree of one's moral responsibility is not. This strikes me as troubling as Zimmerman has made an apparently arbitrary concession; part of one's moral ledger is subject to luck, the column dealing with scope. This concession is not likely to satisfy someone who believes in the existence of moral luck; the part of one's moral ledger that is subject to luck does not count when determining one's blameworthiness or praiseworthiness! Maybe Zimmerman thinks this concession is a price worth paying to shield moral responsibility from the influence of luck while, at least in some sense, taking our concerns about luck seriously: although George is still blameworthy in a way Georg is not, it is only because of luck, and thus that way in which he is blameworthy does not count when calculating his moral responsibility, or total moral worth.[7]

In order to take the control principle seriously, Zimmerman argues that luck cannot play a role in determining one's moral responsibility. But he argues George is in control of Henry's death; had he acted otherwise (not fired the gun), Henry would not have died (at least he would not have died from a bullet shot by George with the intent to kill Henry). George was in control of bringing the gun and shooting at Henry, and this just is what killed him. Of course George only had partial control over Henry's death; what happened after he pulled the trigger was

[7] I find it particularly troubling that the concept of scope seems to only "count," morally speaking, insofar as it allows us to say things like "George is responsible for Henry's death." Being responsible in this way does not contribute to the degree of moral blame George deserves, nor should it, on Zimmerman's view, influence any sort of moral evaluation of him. Zimmerman briefly wonders if this is trivializing Henry's death. (*TLS*, p. 561) This is the wrong question. Henry's death is an equally terrible thing if he dies from a bullet, a heart attack, or an asteroid. What Zimmerman trivializes is George's responsibility for Henry's death. It counts for nothing, morally speaking, on his view, and this is counterintuitive.

out of his control, purely a matter of luck. It is merely luck that a bird flew in the path of Georg's bullet, but not George's; so both George and Georg are equally in control, he says. Just as in matters of moral responsibility, Zimmerman claims that in matters of control one must distinguish between degree and scope. "George was *in control of more things* than Georg (his control had greater scope), but he was no *more in control* of what happened than Georg was (he was in control to the same degree). Insofar as degree of responsibility tracks degree of control, George and Georg must be declared equally morally responsible." (*TLS*, 562)

From this one might come to something like the following, what I'll call the *simple control thesis*—If Alpha has as much control over A as Beta has over B, Alpha is equally morally responsible for A as Beta is for B. This thesis is missing something important: if Georg* was a bird hunter that had aimed at a bird and hit the bird, he is not as morally blameworthy for his action as George is for his action. But he is as morally responsible for his action insofar as responsibility tracks control; he is in as much control over his action as George is over his action. Obviously George does not bear the same moral responsibility, insofar as he is a murderer, as a bird hunter Georg* would qua bird killer. Thus, the simple control thesis is false; moral responsibility does not track only control. But there is something else wrong with the simple control thesis. Zimmerman contends that partial control is sufficient to satisfy the control principle. He holds that George and George share the same amount of (partial) control over the results of their actions, and because of this, we are to hold them equally morally responsible. But consider the following two cases:

Georgy hates Henri for the same kind of reasons that George hates Henry and Georg hates Henrik. Georgy, however, also chooses to be a gambler and

attaches his rifle to a slot machine, such that when Georgy pulls the trigger, the trigger does not fire the weapon, rather it pulls the level of the slot machine. The slot machine will then fire the rifle if and only if it comes up three of a kind. Georgy sits atop a building and when Henri is lined up in his sites, Georgy pulls the trigger, the slot machine displays triple cherries, the weapon fires, and Henri is shot and killed.

Georgia is a devoted fan of *The Price is Right* who is upset with how the new host, Drew Carey, is running the show. She sits atop the show's Plinko board with a poison-tipped Plinko disc. When Carey walks near the board to pick up a decoy Plinko disc, she drops the disc, which is deflected by the Plinko board in such a way as to appear random and unpredictable to Georgia, and ultimately hits Carey's hand, killing him.

In both of these cases, Georgy and Georgia are in less control of their victim's deaths than George is in control of Henry's. However, intuitively, both are as morally responsible as George. In Georgy's case, he is intentionally in less in control of Henri's death than George is in control of Henry's death, but this is no excuse. Some might draw a distinction, and claim that Georgy is less morally responsible because he did not choose to kill Henri, rather he chose to risk Henri's life, but this is a mistake. Georgy chooses to kill Henri, but does so in a less reliable way. We can, of course, question Georgy's rationale for choosing a less reliable way to commit murder, but I think this is a separate issue.[8] In Georgia's case, her lack of control is the result of her choice of weapon, perhaps intended to

[8] For example, say Georgy chose to drive to work, and then he chooses to drive his SUV instead of his hybrid to drive in. The proper moral evaluation of Georgy's driving to work is, I think, a separate question from his moral responsibility to drive to work in his SUV instead of his hybrid. Georgy can be completely morally justified in choosing to drive to work, while being completely morally blameworthy in his choice of what to drive to work.

be more entertaining than functional; but surely this does not excuse Georgia either.

Both Georgy and Georgia are in less control over whether their victims die than George and Georg; but, intuitively, they all are equally morally responsible for what they have done. It would be absurd if they were differently morally responsible, if one were less blameworthy for killing another innocent person only because his or her weapon was less likely to bring about the intended death. If George and Georg are in a different amount of control than Georgy and Georgia, but are the same in every other relevant way, and yet all four are equally morally responsible, how can one claim moral responsibility tracks control? Of course there is something that all four have the same degree (and scope) of control over: they have the same control over their free choice to try to kill their respective targets. George has the same control over whether he chooses to pull the trigger as Georgia has control over whether she chooses to drop the Plinko chip. The pair of George & Georg differs from Georgy & Georgia only in the degree of control they have over the results of their choices, but are the same in the degree of control over their free choice to try to kill. If all four are equally morally responsible, moral responsibility cannot track control over results because Georgy and Georgia exert a different amount of partial control over the consequences of their actions than George and Georg; *more things* can thwart their goals.[9] If all four are equally

[9] It strikes me as odd to say that an agent exerts partial control over the consequences of their actions; an agent's control over the consequences vanishes the moment that they no longer have any say in how the results play out. Of course, agents might exhibit additional control for other things that we might mistake for a continued bit of control over the consequences of one's earlier actions. For example, after Georg fails to hit Henrik with his first shot, he might fire again and succeed with his second shot. However, we shouldn't mistake the fact that Georg gets another chance to choose to shoot Henrik as him having any additional control over the consequences of his first shot. One cannot, in any meaningful sense, be in further control, partial or otherwise, of

morally responsible, then they must exert the same kind of control. By stipulation, each of them exerts the same kind of control over their free choices. If Strawson's story of our experience of free will accurately describes how we make choices, then it makes sense to say that George and company exert complete control over their free choices.

If this analysis is correct the control required for moral responsibility just is free will. But moral responsibility tracks more than control, it also tracks severity. When George freely and intentionally kills Henry he does something more blameworthy than Georg* does when he freely and intentionally kills a bird.

Consider a set of cases James Rachels presents in "Active and Passive Euthanasia:"[10] Smith stands to gain a large inheritance if his young cousin dies. One night while his cousin is taking a bath, Smith drowns his cousin. Jones also stands to gain a large inheritance if his young cousin dies, and one night, while his cousin is taking a bath Jones enters the room with the intent of drowning him. However before Jones can act his cousin slips and hits his head. Delighted, Jones watches his cousin drown.

Rachels argues that intuitively Smith and Jones are both equally morally blameworthy for what happened, despite the fact that Smith kills his cousin while Jones only lets his cousin die. This leads him to the conclusion that *killing* is (at least sometimes) morally equivalent to *letting die*. In "Killing and Starving to Death,"[11] Rachels presents his *equivalence thesis* to explain this equality: "If there are the same reasons for or against A as for or against B, then the reasons in favour

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the results of one's actions after one has finished acting. Once the choice has been made, and the trigger pulled, neither George nor Georg exhibits any control over whether the bullets hit their respective targets. What they had control over was choosing to pull the trigger.

[10] See Rachels (1975).

[11] See Rachels (1979).

of A are neither stronger nor weaker than the reasons in favour of B; and so A and B are morally equivalent – neither is preferable to the other" (p. 165).

The explanation of why killing and letting die are morally equivalent in these cases has to do with the beliefs that Smith and Jones had when they made their choices, and the reasons they chose to act on. Although Smith and Jones do very different things—one kills his cousin, the other refrains from saving his cousin—by stipulation, they each act for the same reasons. George and Georg are similarly stipulated to act for the same reasons, and as such it strikes me that the equivalence thesis can explain why in this situation they are blameworthy to the same degree. They are equally blameworthy because they (a) exert the same control over their free choice, and (b) have the same reasons for and against acting as they freely choose to do. The equivalence thesis also explains why George is differently morally responsible for freely and intentionally shooting Henry than Georg* is for freely and intentionally shooting a bird; George has more reasons not to kill a person than Georg* did not to kill a bird. George is blameworthy for the same *kind* of action as Georg*, but he is blameworthy to a different degree because his reasons for acting were objectively morally worse. If this analysis is correct, we are truly morally responsible for our free choices, not their results.

It is outside the scope of this paper to offer a more detailed account of how we might go about calculating one's exact degree of moral responsibility for one's actions, however it strikes me that there is one important difference between control and severity. If one exerts no control over his choice (if he lacks any morally relevant control over what he chooses to do), then he cannot be held morally accountable for his actions because doing so would violate the control principle. However, if the severity of what one does is irrelevant (if there are no

compelling reasons for or against it, and thus one can be neither praiseworthy or blameworthy for doing it), then it makes sense to say that one is morally responsible for what he does even though this responsibility is neither praiseworthy nor blameworthy. In such a case, I think it makes sense to say that one is still morally responsible for one's action because one owns their action in the way that would be otherwise necessary to be praiseworthy or blameworthy for that action had there been reasons for or against that action.

In this section I have presented the view that the scope of moral responsibility is, roughly, free will; we are morally responsible for our free choices. In many cases, we believe that we have complete control over our free choices, but sometimes we believe our choices are less than completely free, tempered by our character, stress, biology or the like. In such cases, we can be said to exert partial control over our free choices, and someone who is less responsible for their free choice might then be ultimately responsible to a different degree than one who makes the same choice completely free. Our degree of moral responsibility for these choices is determined by our control over these choices and the reasons we choose to act on. If this view is correct, then resultant luck is not moral luck; our moral record is not affected by the consequences of our actions, but rather by our choices.

Zimmerman's view has one clear advantage over the view I articulate here. He can reasonably say that George is morally responsible for Henry's death, while Georg is *not* morally responsible any person's death. In contrast, I am committed to the position that George and Georg are actually morally responsible for their free choice to kill; on my view George is not, properly speaking, morally responsible for Henry's death because Henry's death was relevantly outside of his

control. Indeed on my view, *no one is ever morally responsible for the consequences of their actions*! Yet it certainly makes sense to say, "George is morally responsible for Henry's death," so it seems as if my view is deficient in some way. However, it strikes me that although this way of speaking is common, it is misleading. When we say that George is morally responsible for Henry's death, what we mean is that he is morally responsible for *something else*, namely his free choice to kill Henry. Henry's death by George's bullet is evidence that George freely chose to kill Henry. George is causally responsible for Henry's death, and his causal responsibility is no accident; it is the intentional consequence of his actions. Thus, we can say that George is derivatively morally responsible for Henry's death, where to be *derivatively morally responsible* for x is to be truly morally responsible for something else, y, where y is connected to x in some relevant way. In this case, George is derivatively morally responsible for Henry's death because he is actually morally responsible for his free choice to kill Henry, which had as a goal and foreseeable consequence the death of Henry. Georg, too, is truly morally responsible for the same thing. The difference between George and Georg is not what each one is responsible for; rather it is what evidence we have to hold them appropriately morally responsible. It is, in a sense, easier to prove that George did something wrong than Georg, all else being equal.

III. Situational Luck

In the previous section I have argued that the consequences of our actions, things that are a matter of resultant luck, play no role in influencing our moral record. However, perhaps I have merely pushed the problem of moral luck back a step; the luck that influences our record is not resultant luck, but situational luck. In this section I look at Zimmerman's account of situational luck and offer an

alternative account such that situational luck plays no role in determining our moral responsibility.

Situational luck is comprised of three kinds of luck - circumstantial luck, constitutive luck, and causal luck. Zimmerman offers a robust and interconnected, but bizarre analysis of each kind of situational luck.

If anything is a candidate for moral luck, it seems the contingency of our existence would be. Zimmerman muses, "no one is in control of his being born – an event on which all of his decisions, actions, omissions, and the consequences thereof are contingent" (*L&MR,* p. 378) Because our coming to exist is outside of our control, in a sense it makes sense to say that everything that came afterwards is contingent on a matter of luck, and thus itself a matter of luck. Even if you possessed the kind of authorial control required for Strawson's true moral responsibility, you would not have control over your having existed (because, barring time travel, no one can have control over the past), and as such everything you do is contingent on a matter of luck. The problem with this worry is that it seems confused about what moral luck is; moral luck occurs only when luck plays a role in determining our degree of moral responsibility for what we do. However existence luck does not play a role in determining the contents of our moral record, it plays a role in determining whether we have a record at all. Existence luck is not moral luck, but *record luck*. Record luck no more determines the content of your moral record than receiving a diary as a gift determines what you write; receiving a diary as a gift might prompt you to write in it, but it does not cause you to write what you write.

Existence luck, or record luck, is distinct from the three kinds of situational luck in question here, however existence luck gives us a model for addressing

concerns about circumstantial luck. Circumstantial luck is luck in the circumstances one faces, including the opportunities to act morally or immorally.

In Natalie Abram's article "Active and Passive Euthanasia", she presents the following cases which, I believe, perfectly illustrate circumstantial luck:

> (1) Diane and her brother are both are the beach. Diane sees her brother struggling in the water, and because of this she goes in and rescues him from drowning.
>
> (2) Carol and her brother are both at the beach. Carol sees her brother struggling in the water, but just as she is about to go in and rescue him, he regains control and swims to the shore by himself. (Abrams, p. 259-260)

Abrams contends that Diane is more praiseworthy than Carol because Diane acts to bring about a good result - her brother's safety - while Carol merely allows her brother's safety to occur. This strikes me as odd. Carol is stipulated to have been about to go in and rescue her brother; this is to say that Carol had already made the same free choice to save her brother that Diane had. If the previous section is correct, then both Carol and Diane are equally morally praiseworthy for making this choice (in much the same way that George and Georg are equally blameworthy for freely choosing to try to kill). Of course we have more reason to praise Diane than Carol because we see Diane acting, but this is comparable to how we have more evidence that George is a murderer than Georg, because George actually succeeds in killing someone.

The difference between Diane and Carol is not a matter of resultant luck. Carol was, of course, free to jump into the water and drag her brother to safety, although this would be quite bizarre. If Carol were to jump in, she would bring about a good result in the same way Diane would, but I doubt we'd praise her for it.

The difference between Diane and Carol's cases is a matter of circumstantial luck; Diane faces a circumstance in which she has the opportunity to act heroically and save her brother. Had Carol jumped in and dragged her brother to safety, this would not be heroic, and thus Carol seems to lack an opportunity Diane has. This does not strike me as right; if the view I sketched in the previous section is correct, Carol and Diane are equally morally responsible for their free choice to try to save their brother. Where they differ is that Diane *continues* to choose this (she does not, after jumping into the water, decide that it is too cold and turn around leaving her brother to drown), however Carol is robbed of this opportunity because her brother regains control and swims to shore safely on his own. Diane and Carol face different circumstances, and thus the entries in their moral record differ.

However, much as it would be absurd to hold us morally responsible for existing, it would be absurd to hold us morally responsible for the circumstances we face. Both Diane and Carol, by assumption, exert the same control over what they do given the circumstances they face, and their choices are what determine the entries in their moral record, not the circumstances they face. Much like existence luck is a prerequisite for our having moral responsibility, circumstantial luck is a prerequisite as well; both kinds of luck are necessary for our acting morally or immorally, but play no role in determining whether we do, in fact, act morally or immorally given the circumstances we face. Circumstantial luck, like existence luck, is a matter of record luck, not moral luck.

The worry about circumstantial luck is that agents like Carol might be less praiseworthy overall because they had fewer opportunities to demonstrate their courage. This is a problem, but it is not a problem of moral luck, but of record luck. This is the problem of Chris and Kris above, and I think it is outside the

scope of this paper to offer a complete account of how we ought to calculate one's total moral worth.

Zimmerman offers an alternative solution to the problem of circumstantial luck, beginning with an examination of a variation of his George and Georg cases. Once again, George killed Henry, and Georg failed to kill Henrik. This time Georg sneezes right as he is about the pull the trigger, and the sneeze prevents him from pulling the trigger to kill Henrik. (*TLS*, p. 563) Much like the bird getting in the way of Georg's shot in the previous incarnation of this case, his sneeze gets in his way this time. There is something ambiguous about Zimmerman's case here—does he mean that Georg had already willed himself to pull the trigger, but the sneeze interfered with his motor coordination? If so, then the sneeze is merely resultant luck and irrelevant in determining George's moral responsibility. Suppose, though, that Georg has a sneezing fit around the time that he would have needed to choose to pull the trigger to kill his target, and this sneezing fit prevented Georg from making that choice. According to Zimmerman, there is no difference between Georg's responsibility here and in the previous section. In both cases, Georg is blameworthy despite not killing anyone. "The cases are united in that, in all of them, Georg would have freely killed Henrik but for some feature of the case over which he had no control" (*TLS*, p. 563)

But what is Georg morally responsible for in this case? He did not have the opportunity to freely choose to try to kill Henrik, so we cannot even say that he is responsible for attempting to kill Henrik. One answer that Zimmerman rightfully rejects is that Georg is responsible for being such that he would have freely killed Henrik if not for the sneezing fit. The problem with this answer is that it shifts the focus of inquiry, from circumstantial luck to constitutive luck, from the

circumstances in question to one's character. Although one's character may play a role in one's choices, Zimmerman argues that what makes it the case that Georg would have freely killed Henrik if not for the sneezing fit is that he would have freely *chosen* to shoot Henrik if not for the sneezing fit. Had things been ever so slightly otherwise, Zimmerman stipulates that Georg would have chosen to shoot to kill Henrik, and *this* is what he is morally responsible for. But of course this did not happen! Although Zimmerman contends Georg is as blameworthy as George, he cannot have anything like the same scope of moral responsibility as Georg! What then, is Georg responsible *for* in this case? Nothing. "Georg is responsible; he is just not responsible *for* anything," Zimmerman claims, "He is, as I shall put it, 'responsible *tout court*'." (*TLS* 564) Although Zimmerman claims he is responsible for nothing - *tout court*, he is responsible *because* he would have otherwise shot Henrik. But this is akin to adding a third column to our moral ledgers, where the first column dealt with degrees of moral responsibility, and the second with the scope of responsibility (which itself could be divided, at least for Zimmerman, into the scope that contributes to the degree - our free choices - and the scope that does not contribute to our degree of moral responsibility). The third column, for Zimmerman, would deal with a counterfactual - not how things are, but how they would have been. George and Georg share something in common: Zimmerman has stipulated that if chance, fate, luck had only cooperated with them both, they'd have freely chosen to shoot their targets, and their targets would die. Much as Zimmerman introduces a scope column to shield degree of moral responsibility from resultant luck, this counterfactual column shields moral responsibility from circumstantial luck.

Nagel presents a similar example. The problem of circumstantial luck, he fears, is not merely one of near misses as in Zimmerman's cases, but one of drastically different situations as well. "Ordinary citizens of Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test. But it is a test to which the citizens of other countries were not subjected, with the result that even if they, or some of them, would have behaved as badly as the Germans in like circumstances, they simply did not and therefore are not similarly culpable" (Nagel, p. 145-146). The difference between a typical German and, say, a typical American in this case is that the German had an opportunity the American did not, one to act heroically or terribly. Many Germans acted terribly, and we have good reason to think that many Americans, confronted with the same circumstances, would act equally viciously. Yet we hold the vicious Germans morally culpable for their viciousness, but Nagel points out we do not hold the would-be vicious Americans as responsible.

One benefit of Zimmerman's view is that these would-be vicious Americans would be as morally blameworthy as the cruel Germans, even if we could never, in principle, know that they are. Like Georg, these would-be vicious Americans would be responsible *tout court*, responsible because they would have freely chosen to act viciously in such a way given the opportunity.

Let us briefly turn to circumstantial differences dealing with the number of circumstances one faces. Recall the cases of Chris and Kris, where both live comparable lives until Kris dies, and thus has fewer marks in her moral record than Chris, who lives on. Because this disparity in the number of entries is a matter of luck, it cannot be the case that the number of entries into one's moral record

determines one's ultimate moral responsibility. Zimmerman's view offers a solution to this problem as well; Kris is to be held morally responsible not only for what she has done, but also for what she would have done if she was not killed. Thus if Kris would have acted in the same way as Chris actually acted, Kris and Chris seem to be equally morally responsible. More precisely, if Chris and Kris would have acted in the same way in *any given situation*, then their ultimate moral responsibilities are equal.

A bizarre result of Zimmerman's view is that to accurately and fully calculate moral responsibility, one should pay no special attention to what the agent in question *has done*, rather one should look at what the agent *would do* in *all situations*. This is quite easy to do if we can stipulate that Georg would have killed Henrik if not for the sneezing fit, or that Kris would have acted as Chris if not for her premature death. Zimmerman's analysis of circumstantial luck, it seems, is contingent on there being a truth to what an agent would have done in other circumstances.

There is something unsatisfactory about this solution to the problem of circumstantial luck; it is akin to solving the problem of resultant luck by concluding that one is not merely responsible for the actual consequences of their actions, but also for all possible consequences as well. Georg would be morally responsible for killing Henrik because it was one of the possible outcomes of his action (despite the fact Henrik did not die), but he is also morally responsible for curing cancer, uniting a nation, prematurely combating bird flu, starting a revolution, going to jail, and countless other possible consequences of his action - *all* possible consequences of his action - no matter how improbable.[12] Of course,

[12] Presumably on this view, one is morally responsible for the consequences one's action would

one might insist that Georg is less blameworthy (or praiseworthy) for these things insofar as they are less probable and/or less intentional, but they would be as much a part of his moral record as his counterfactual murder of Henrik even if they had less of an impact on calculating his degree of responsibility. Georg's scope column would be obscenely large for every actual thing he does.

On Zimmerman's account Georg's degree column and counterfactual column would each have an incalculable number of entries, while his scope column would be mostly blank. The majority of things Georg is blameworthy and praiseworthy for would be things he is responsible *tout court* for, counterfactual circumstances he never encountered.

Even if we found this implication plausible, Zimmerman's solution to the problem of circumstantial luck stands or falls on whether it makes sense to say Georg would have freely shot Henrik. To determine this, we must look to Zimmerman's account of constitutive and causal luck, luck concerning one's character and luck in the antecedent causal influences behind one's actions.

To discuss constitutive luck, Zimmerman once more turns to Georg and asks us to consider a case where Georg failed to kill Henrik, not because of some bird or sneezing fit, but because he was contingently too timid. Here too Zimmerman would hold Georg as morally responsible as George because Georg would have killed Henrik if not for something outside of his control – his timidity. At any given time, one cannot be held responsible for the character one has at that time, since at that moment one does not have a choice in the character one has. But certainly it is at least intuitively plausible that we have some sort of control over

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have in all possible worlds, and as such there are more worlds there the bullet kills someone than where it cures cancer, and thus one is probably more blameworthy than praiseworthy overall, but this is still a bizarre and counterintuitive position.

our character, even if it is not control at that time. Our character at any given moment may be entirely formed by what came before it, but we may have some control in how it is formed. If this is the case, we can be derivatively morally responsible for our character at any given time, and actually morally responsible for our free choices that lead to us coming to have such a character. For example, one might be derivatively morally responsible for coming to be addicted to a drug if she freely took the drug knowing that she might become addicted. On this view, we are only morally responsible for our character to the extent that we have freely chose the actions that lead predictably to our character.[13]

To address causal luck, Zimmerman considers two more reimaginings of Georg's position. First he asks us to consider if Georg had been brainwashed such that he was incapable of killing. He claims Georg would have freely killed Henrik if not for this conditioning, the conditioning again a matter of luck, so Georg must yet again be held morally responsible *tout court*. Second Zimmerman asks us to consider if Georg had been deterministically caused not to kill Henrik, in much the same way determinists hold all of our decisions to be deterministically caused. *Even here* Georg is to be held as morally responsible as if he had killed Henrik, but only if Georg would have freely killed Henrik if Georg's causal history had cooperated. Because of this, Zimmerman concludes that the debate between compatibilists and incompatibilists "loses much of its force" (*TLS*, p. 566)

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[13] The relevant control is mitigated by ignorance. For example, if I was ignorant of the fact that freely choosing to torture animals would contribute to a vicious character that might make it more likely that I would torture persons, then in the relevant sense I am not in control over coming to have such a repulsive character; it was an unforeseen consequence. I am still causally responsible for my character, but it is a matter of luck that my actions have such an undesirable result.

Rather than sidestep the debate between compatibilists and incompatibilists, Zimmerman's solution seems to ignore it completely. It is not clear what Zimmerman means by freely; compatibilists and incompatibilists have radically different accounts of free will. Both sides of the free will debate agree that if George *freely* shot Henry, he did so without any external constraints upon his choice. Where they differ is their concept of external constraints. The compatibilist, roughly, holds that George freely shot Henry if no one forced him to, no one blackmailed him to, and if his actions were consistent with his will. For the incompatibilist, George freely shot Henry if he was the sole cause of his choice and not causally determined by antecedent circumstances; this is to say that George's action is free if and only if it was his own.

Given the wildly opposing accounts of free action, it is clear the free will debate is crucial to Zimmerman's last cases. For the compatibilist, if George and Georg lived in a completely deterministic world, then both George and Georg are equally morally responsible. But, so too would everyone be equally morally responsible. After all, if we were put in the same position as George in a deterministic world, we would be causally determined by the actual past and the laws of nature to act just as George did; this is to say that for Zimmerman, if compatibilism is true, we are all morally responsible *tout court* for killing Henry.

One way the compatibilist might avoid such a bizarre conclusion is by asserting that in a deterministic universe, not everyone is a counterpart of everyone else. This is to say that there may be something *special* about you or I such that we could never be in the exact same position (having the same causal influences as) George even if things had been different. But whatever this something special is, certainly it is a matter of luck whether we have it or not. I have no control over

who am I anymore than I have control over whether I am born. It seems that on Zimmerman's account of moral responsibility the compatibilist is faced with a dilemma—either everyone is equally morally responsible, or what makes George responsible, and you and I not responsible, is solely a matter of luck.

In contrast, I think the incompatibilist effectively sidesteps the problems of constitutive and causal luck thanks to their account of free will discussed in section I, where one has free will if one is a non-arbitrary, undetermined self-cause. For the incompatibilist, we are the authors of our actions, not our character, although even if our character did partially control our actions it would be inappropriate to hold us morally responsible for the control our character determined our actions. We might, of course, be derivatively morally responsible for coming to have such a character in the first place, but this is a separate matter. Similarly, our biology, genetic traits, and human limitations might also play a role in curtailing and influencing our free actions, but we are not responsible for these influences either. Thus for the incompatibilist, constitutive luck plays no role in determining one's degree of moral responsibility, and the scope of one's moral responsibility is always their free choice, or, at least, the portion of their free choice over which they are the authors. Constitutive luck may play a role in determining what an otherwise free moral agent chooses to do, but this is not a matter of moral luck because it does not affect their degree of moral responsibility over what they have control over.

Similarly, for the incompatibilist, causal luck fails to influence our degree of moral responsibility—either an action is free, or it is not. If our action is free, we can be morally responsible for it and it leaves a mark in our moral record. If not,

then it leaves no mark. Causal luck, then, is a matter of record luck, not moral luck.

For the incompatibilist, to say that George *freely* shot Henry is to say that George's choice to shoot Henry was his own, and not causally determined by luck. It is a matter of record luck that he exists and had the opportunity to make a choice, but what he chooses in that moment is, for the incompatibilist, up to him alone, and not wholly determined by his character, his genetics, his upbringing, or the like.

Let us return to the cases of Chris and Kris. Poor Kris had quantitatively less chances to act than Chris, and as such Kris's moral record seemed to have less entries as a result. It does. The number of entries in Kris's moral record is, solely because of record luck, less than the number of entries in Chris's ledger. But having fewer entries does not affect her praiseworthiness or blameworthiness. For any given entry into Kris's moral record, we can compare her responsibility to Chris's, and we find they are equally morally responsible for the actions behind the entries. But we cannot hold Kris morally responsible for what she would have done at time $t+1$ when she died at t because Kris was never presented with the opportunity to choose. Nothing in Kris's past, or in the situation at time $t+1$, for the incompatibilist, determines what Kris would have done; Kris's response, if given the opportunity to act, would have been her own.

Still Zimmerman wonders whether we cannot say Kris *probably* would have acted like Chris, that she *probably* would have acted in the same way, for the same reasons, etc. So, too, cannot we say that Georg, if not for the sneezing fit (or timidity or brainwashing), *probably* would have freely shot Henrik? "Suppose that there is a probability of .99 that Georg would have freely killed Henrik, had he not

sneezed. Then one of two things follows: either Georg is 99% as responsible as George, or there is a 99% chance that Georg is as responsible as George. It is not clear to me which we should say, although I lean toward the latter" (*TLS*, p. 573).

For starters, to hold Georg 99% as responsible as George is absurd. Either Georg would have shot at Henrik or not. In either case, 99% of the responsibility would be a mischaracterization of Georg's moral record. So it seems we are left with Zimmerman's leanings, that there is a 99% chance that Georg is as responsible as George. But how can we determine the probability of Georg *freely* shooting Henrik? If the incompatibilist were right, for Georg to *freely* shoot Henrik, his decision would not be causally determined by anything that happened previously, even his character. So even if Georg has the meanest character of them all, this is not enough evidence to show that he would have freely shoot Henrik, although I admit it is sufficient to say that he *probably* would.[14] But this is a guess; we do not *know* what Georg would have done. But let us give Zimmerman the benefit of the doubt; let us say we have good reason to believe that objectively speaking in 99 out of 100 worlds where a sufficiently nearby Georg counterpart has the option, he takes the shot. *This* is not one of *those* worlds – Georg was not given the opportunity to choose. Record luck denied Georg the chance to choose, much as luck denied Kris any further marks on her moral record. There simply *is no* mark in Georg's moral record in the cases where he is stuck with a sneezing fit. Meanwhile, when he takes the shot and misses there *is* a mark in his moral record. Even where Georg is too timid to shoot Henrik, there is a mark in his moral record, although not the one Zimmerman expects.

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[14] I doubt this probability is attributable to Georg. At best, it seems this probability is just a feature of the complete list of Georg's counterparts that acted in this forum, but I doubt the counterpart relationship has a relevant moral relationship to Georg.

If I am right, the Georg who is struck by a sneezing fit is akin to Kris who was killed before her counterpart. Factors outside of their control rob them both from entries into their moral record that they otherwise would have had. This is not to say that Georg is not morally responsible for *planning* to kill Henrik, or for all of the steps he took up until the sneezing fit, George has still done some morally terrible thing and these things contribute negatively to his moral record in much the same way that Carol's praiseworthy decision to save her then-drowning brother contributes in a positive way to her moral record, even though as luck would have it she never has to follow through with her choice because her brother saves himself. Still, if the incompatibilist is right, none of these steps make it such that Georg could not have changed his mind at the last minute, or that Carol could not have, against all reason, decided not to bother saving her brother's life. Of course we all think Georg would have taken the shot if not for the sneezing fit, but this is because we are presented with cases in which he is stipulated to be like George in every possible way, and George did take the shot. However it is these changes that make it impossible to tell what Georg would have done otherwise in cases of situational luck for the incompatibilist, because for the incompatibilist nothing Zimmerman has stipulated about the various Georgs is sufficient to determine how he will act.

On my account of moral responsibility, sneezing-fit Georg is not morally responsible for being such that he would have shot IIenrik, but is morally responsible for the choices he made along the way. But George is responsible for all of this *and more*. Indeed, the final act might make George quite a bit more blameworthy than Georg. If the incompatibilist is right, Georg could have changed his mind and freely abandoned his goal of killing if not for his sneezing

fit. Indeed, it is this ability to be a self-cause that makes us the appropriate object of moral praise or blame in the first place. We can trace our actions back to us, *qua* moral agents, and no further. In contrast, for the compatibilist, each of us is capable of doing the right thing *only* when our causal history cooperates; every entry in our moral record would be a result of situational luck.

Note that once again Zimmerman's position is capable of doing something my position has trouble doing—explaining why Chris and Kris's *total moral worth* are not affected by moral luck. For Zimmerman although Kris dies, if it is true that she would have continued to act parallel to Chris, her ultimate moral worth is the same as Chris's, her degree column on her moral ledger has the same marks. But this assumes a deterministic view of human action, and one that likely leads to the conclusion that everyone is equally morally responsible for everything.

In contrast, according to the view I set out here, each entry into one's moral record is free of luck. It is a matter of record luck that we have a moral record in the first place, and a matter of record luck that we encounter situations in which we can freely act, but what we do in those situations is entirely within our control, at least the part of what we do that we are properly morally responsible for. The question that remains to be answered on this view is whether one's ultimate moral worth, the sum total of one's moral history, is a matter of luck or not. I am not prepared to offer a theory about how one would go about calculating total moral worth here, but I think the topic is sufficiently distinct from the problem of moral luck discussed here as to be the topic for another day.

IV. Conclusion

The problem of moral luck is that luck appears to play a role in determining our moral responsibility. In this paper I have looked at five kinds of luck: resultant

luck—luck in the consequences of our actions, existence luck—the luck that we exist at all, circumstantial luck—luck in the circumstances we face, constitutive luck—luck in who we are, and causal luck, or luck in how we are caused to act.

Above I have argued that resultant luck does not contribute to our moral responsibility, because the scope of our moral responsibility is our free actions, not their results, and our degree of responsibility is determined by the reasons we freely choose to act on, not by the consequences of our free choices. Existence luck is not a matter of moral luck, it is a matter of record luck. That we have a moral record is a matter of luck, but the content of the entries in our record are entirely up to us if we have incompatibilist free will of the kind discussed in section I. Circumstantial luck is a matter of record luck as well, although different circumstances might allow us to act viciously or virtuously, what reasons we choose to act on are up to us, and thus our degree of moral responsibility is our own doing. It is uncontroversially true that some of us may be less free to act than others; our constitutive luck might influence our free choices, either by presenting us with different circumstances than others, or partially determining our free choice. The former is record luck, the latter, however, is irrelevant because the scope of our moral responsibility for our free choices is limited to the portion of those choices that are free. Finally, causal luck, too, falls under record luck—either we are free, or we are not. If we are not free, it would not make sense to hold us morally accountable at all. However, if we are free, our choices are not determined by our being free moral agents.

The control principle states that we are only morally responsible for what is in our control, shielding the individual entries in our moral record from things outside of our control, from luck. It is possible that the control principle does not

shield one's total moral worth in the same way that it shields individual entries in one's moral record, but to determine if this is the case we need a theory about how one might go about calculating total moral worth. I have argued that the compatibilist account of calculating total moral worth might end up judging everyone to be equally morally responsible, but this account is unsatisfying. I am however hopeful that there is a non-arbitrary means of calculating one's total moral worth that is resistant to moral luck, but I do not provide such an account here.[15]

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[15] Another possibility is that what I am calling "ultimate moral worth" *simply is not* morally relevant.

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